



Office of Command Counsel Newsletter

June 1997, Volume 97-3

On the way to the CLE

As we go to press the 1997 Continuing Legal Education Program (CLE) is right around the corner. Thanks to the support from General Wilson and your MSC Commanders, expected attendance is excellent, we have designed a comprehensive program for you and we expect the most successful program ever. A full report on the CLE will be presented in Newsletter 97-4.

A highlight of the program will be a presentation by General Wilson updating us on developments within AMC and Department of Army. The CG will also preside at our annual Command Counsel Award Ceremony at which time we will recognize many of your colleagues who made significant contributions during the last year.

Additionally, Major Gen-

eral (Ret) William K. Suter, Clerk of the U.S. Supreme Court will take us on a behind the scenes tour of the Court to include a presentation in the Courtroom.

Attendees will be able to enjoy a "Washington After Dark" tour that will allow us to visit a dozen landmarks including the new Franklin Delano Roosevelt Memorial.

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And thanks for...

We appreciate the many favorable responses received concerning the new Newsletter format and contents. You will see many of your specific recommendations incorporated in this and future editions.

For those of you who experienced difficulty downloading the Newsletter we offer the following tips:

1. You must have the free Adobe Acrobat Reader 3.0 installed on your system.

2. The Acrobat Reader is available at <http://www.adobe.com/prodindex/acrobat/readstep.html>

3. The Newsletter is also available on the LAAWS Bulletin Board.

4. If you have any questions or problems accessing the newsletter, please call Steve Klatsky (703-617-2304) or Joe Edgell (703-617-2306). You may also reach them by e-mail at sklatsky@hqamc.army.mil or jedgell@hqamc.army.mil.

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Letter to the Editor:

"Cash for Frequent Flyers?"

The SSCOM Legal Office has taken the time to prepare a Letter to the Editor, seeking to reopen a dialogue on the issue of the availability of Army Appropriations to pay cash awards to employees who enroll in commercial Frequent Flyer programs. While not challenging the DA OGC

legal opinion, SSCOM cites the GAO opinion in Railroad Retirement Board, B-27640, May 9, 1997, as encouraging creative agency efforts to reward employees for saving the government's travel dollars. Thanks to **John Stone** and staff (Encl 17). What do you think?

List of Enclosures

1. Interagency Working Group on Federal Court Disappointed Offeror Litigation.
2. Estimates of Requirements Contracts.
3. Capturing Discretion to Thwart Possible Court Challenge.
4. New Developments in Task and Delivery Order Contracting.
5. Federal Court Protective Orders: When Are Counsel's Contacts Too Many?
6. Legal Opinion Regarding "Offer/Proposal" Versus "Other Information".
7. Interpretation of DoD Handbook 5000.60 H "Assessing Defense Industrial Capabilities".
8. Official Time for Union Representation.
9. Senior Civilian Affirmative Outreach and Recruitment Policy.
10. Successorship or Accretion — Labor Relations Bulletin No. 401.
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13. Lead-Based Paint Concerns on BRAC Properties.
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15. Interim Policy on Acceptance of Travel Expenses in Connection with Certain Unofficial Teaching, Speaking, and Writing Activities.
16. Requests to DA Personnel for Interviews, Notices of Depositions, Subpoenas, and Other Requests or Orders Related to Judicial or Quasi-Judicial Proceedings.
17. Letter to the Editor — Fly Free.

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Contributions are encouraged. Please send them electronically as a Microsoft® Word® file to sklatsky@hqamc.army.mil

Check out the Newsletter on the Web at http://amc.citi.net/amc/command_counsel/

Letters to the Editor are accepted. Length must be no longer than 250 words. All submissions may be edited for clarity.

Acquisition Law Focus

Do You Need Export Authorization for Foreign Military Sales Cases?

A frequently asked question by defense contractors: "Do I need an export authorization when I provide a defense service to a foreign government under a Foreign Military Sales (FMS) case?" Until recently, the general response to the question was NO. Several months ago, the State Department Office of Defense Trade Controls issued notice that an export authorization in the form of a Technical Assistance Agreement is required to provide a defense service in support of an FMS contract.

In the past, defense contractors had used the exemption under 22 Code of Federal Regulations (CFR) Section 126.6(c). That particular ex-

emption is applicable only when the following three conditions are met: (1) there is a valid DoD Letter of Offer and Acceptance (LOA); (2) a State Department form DSP-94 has been properly executed; and (3) the export is made by the relevant foreign diplomatic mission or its authorized registered freight forwarder. The State Department has now determined that in the case of a defense service the contractors cannot meet condition (2) because a DSP-94 cannot be prepared for services.

General guidance on the preparation of a Technical Assistance Agreement can be found in 22 CFR Part 124.

POC is HQ AMC's **Larry D. Anderson**, DSN 767-8040.

Assessing Defense Industrial Capabilities

TACOM-ARDEC's **Denise Scott**, DSN 880-6585, provides a paper on the DoD Directive 5500.60 "Defense Industrial Capabilities" and accompanying Handbook. The documents were issued last year as a framework to evaluate the need for DoD action to preserve defense industrial

capabilities. Ms. Scott's analysis seeks to clarify confusion as to when and how to apply the Handbook.

The role and responsibility of the Defense Acquisition Executive (DAE), the PEO structure, the impact of CICA and the work of an Integrated Process Team on the subject are all covered (Encl 7).

When Are Counsel's Contacts Too Many?

CBDCOM Counsel **Lisa Simon**, DSN 584-1298, has written an outstanding paper on a recent ruling by the US Court of Federal Claims in Hydro Engineering v. United States, No. 95-564C, 1997 U.S. Claims LEXIS 51 (Fed. Cl. March 10, 1997), which excluded a private attorney's access to proprietary and source selection sensitive information under a bid protest protective order. The Court's determination applied similar standards to those currently used by the GAO in protective order situations:

- (1) the attorney's intimate contacts with a potential competitor;
- (2) the attorney's pre-proposal representation of a potential competitor; and
- (3) the attorney's unwillingness to sever such contacts in future related procurements.

Ms. Simon recommends that prior to release of sensitive information pursuant to a Court of Federal Claims protective order, government counsel should take reasonable steps to determine the nature and extent of an unfamiliar attorney's representation (Encl 5).

Acquisition Law Focus

Disappointed Offeror Litigation Working Group

HQ AMC Protest Counsel **Craig Hodge**, DSN 767-8940, has been AMC's contact to this group, which has prepared a "White Paper: Recommendations for the Bid Protest Group of the US Court of Federal Claims Advisory Council."

The interagency group will continue to gather and review information on disappointed offeror litigation practice and procedure, submitting a report to the Court Advisory Council.

The White Paper high-

Capturing Discretion to Thwart Possible Court Challenge.

HQ AMC Protest Counsel **Vera Meza**, DSN 767-8177, provides a very interesting paper suggesting that we should not conclude that the exercise of discretion by government contracting officials will always be viewed as reasonable. Ms. Meza suggests that contract file documents may not adequately support the process behind the exercise of discretion — leading GAO or the Courts to conclude that the government acted in an arbitrary or capricious manner (Encl 3).

lights the need for Court guidance, suggesting that the Court should process disappointed offeror litigation in a manner similar to the traditional administrative protest forum — the General Accounting Office, and recommending the adoption by the Court of a clearly articulated legal standard and scope of review.

The White Paper's Table of Contents is provided to you. For further information, please contact **Craig Hodge** (Encl 1).

Task and Delivery Order Contracting Developments

CECOM's **Micheline Darcy LaForgia**, DSN 992-5056, who serves as that command's Special Advocate for Competition, has written a memorandum describing the process of having a Task and Delivery Order Ombudsman address contractor complaints, rather than resorting to expensive, time-consuming litigation. The Ombudsman approach is outlined in the Federal Acquisition Streamlining act (FASA) of 1994, PL 103-355, 10 USC 2304c(e) and 41 USC 253j(e) (Encl 4).

Underfunded Pensions

The IOC is currently involved in an issue which concerns the allowability of pension costs.

In this case the GOCO contractor made a business decision not to make contributions (or to contribute an amount less than the CAS limit) during certain prior years. The pension plan is now underfunded, and the contractor is claiming the Government must make up the difference.

The Government's position is that since the contractor did not make the necessary contributions to the pension fund during the years at issue, some of the costs are now unallowable. The contractor claims it is being unfairly penalized because the Government received the benefit of lower costs during the years when lower contributions were made.

The issue is a critical one — stay tuned. The POC is **Bernadine F. McGuire**, IOC, DSN 793-8436.

Names are changing

Have you noticed a trend within the AMC legal community to change the name Acquisition Law Branch or Division to Business Law or Business Operations Branch or Division? This reflects the increased involvement of the legal office in the design of the business practices, tactics and strategies of AMC.

DOD Undersecretary Issues Guidance for Non-Core Work Competition

Under Secretary of Defense for Acquisition and Technology **Paul G. Kaminski** issued internal guidance on May 2 providing for public-private competitions for depot-level maintenance activities not determined to be necessary to sustain core capabilities. The guidance also outlined procedures for determining workloads, selecting sources, and cost estimating and accounting.

The guidance, effective immediately states:

Our goal is to obtain the best value for our depot maintenance dollars while still satisfying core depot maintenance capability requirements. Subjecting depot maintenance workloads that are not required to sustain core capabilities to the forces of competition can lower costs and improve readiness, irrespective of whether the outcome is to outsource or not. In accordance with 10 USC 2470, DOD depot-level maintenance activities shall be eligible to participate in public-

private competitions (PPCs) for depot-level maintenance and repair workload.

The new public-private competition policy is consistent with recommendations made in August 1996 by the Defense Science Board, which urged DOD to move aggressively to outsource most of the support functions currently performed by the department. The DSB called for elimination of statutory and regulatory impediments to outsourcing.

Offer/Proposal v. Other Information

MICOM's **Diane Beam**, DSN 788-0545, was asked for her opinion on a concept whereby a distinction is made with regard to an "offer/proposal" versus "other information", the combination of which comprises a response to a competitive solicitation.

Ms. Beam's answer concludes that the proposal is inconsistent with the FAR, primarily because of the definition of "discussion". Thus, it is inconsistent with the FAR to make this distinction to allow communications with offerors, and not conclude that these are discussions (Encl 6).

Estimates for Requirements Contracts

TACOM's **Wendy Saigh**, DSN 786-5191, has prepared a memo on the above-captioned subject, stressing the importance of retaining data and documentation used in developing the estimated quantities for requirements contracts. The information should be part of the contract file so that it is readily available to effectively oppose a contractor's allegation that the government negligently estimated the quantity (Encl 2).

Court and GAO case precedent on this issue is provided for the practitioner.

Employment Law Focus

Honey, I Shrunk the Government!

Under the provisions of the 1994 Federal Workforce Restructuring Act, the OPM reports that agencies have reduced employment by 308,624. Voluntary Separation Incentive Payments (VSIP “buyouts”) are credited for the successful effort to reduce with limited involuntary separations — 27,000.

- DOD VSIP buyouts - 92,432
- Non-DOD VSIP - 36,035
- Of those receiving buyouts
 - 53% were eligible to retire, average age 61.
 - 40% ret. early, avg. age 53
 - 7% resigned, avg. age 44

Official Time...

...for Union Reps.

DAPE's **David Helmer** continues to provide Department of the Army labor counselors with important information, including a paper outlining the historical basis for official time, beginning with President John F. Kennedy's Executive Order 10988, January 17, 1962 through the Civil Service Reform Act of 1978, which provided a statutory framework for the federal labor management relations program. (Encl 8).

Hearsay-Credibility-Suitability

In Woodward v. OPM, MSPB No. DA 073295065211 (Apr. 18, 1997), the Board ruled that although hearsay is admissible in MSPB hearings, the weight given may vary, and may not support the burden of proof (“preponderance of evidence”) applicable to OPM suitability determinations. The Board concluded that the AJ did not fulfill requirements to determine credibility as set forth in Hillen v. DA (1) identify the fact/evidence in dispute; (2) summarize the competing positions; (3) determine which side is credible; and (4) state the reasons for the credibility determination.

...to Lobby Congress

The Federal Labor Relations Authority ruled in US Army Corps of Engineers and NFFE Local 259, 52 FLRA 920, that the agency violated the parties' collective bargaining rights by denying an employee request for official time to lobby Congress. Because the employee lobbying related to the representation of unit employees, it fell within the definition of “representational activities,” for which official time is intended.

Distributing Union Literature

As a result of the ruling in SSA and NTEU and AFGE, 97-1204 (D.C. Cir. Mar 21, 1997) the Federal Labor Relations Authority has developed a new framework for determining when a rival union can distribute literature on agency premises. No longer will the Authority decision be focused only on whether the rival union had attained “equivalent status”. Instead, the proper inquiry under 5 USC 7116(a)(3) is whether an agency has “sponsored, controlled, or assisted a labor organization”.

In applying this standard to the case at bar the Federal Labor Relations Authority said that denial of the distribution did not amount to unlawful interference, denial of employee rights or discriminatory treatment. The union was shown to have a reasonable alternative means of communicating with agency employees.

MSPB Award of Attorneys Fees Without Jurisdiction

Reversing the precedent of Shaw v. Navy, 39 MSPR 586 (1989), the MSPB has ruled in Joyce v. Air Force (MSPB Docket No. PH0752950085A1, April 3, 1997) that employing agencies may be liable for attorneys' fees incurred even in cases where the MSPB lacks subject-matter jurisdiction, because the agency granted appellant relief without the

Board having to issue a decision.

In overruling the Shaw principle that a fee claimant had to establish Board jurisdiction, the new rule says that an appellant only present a prima facie case of jurisdiction — a non-frivolous allegation of fact relating to jurisdiction that would otherwise entitle the appellant to a Board hearing.

Interviews, Notices of Depositions, Subpoenas, and Other Requests or Orders

CECOM's **Kim Melton**, DSN 992-1146, provides a paper on the requirements of AR 27-40, Litigation, to obtain written approval of the appropriate SJA or legal advisor prior to disclosing information in response to a subpoena, court order or notice of deposition.

Additionally, even in private litigation (in which the US has no interest) the legal office should be consulted if the testimony involves official information, the witness is to testify as an expert, or the absence of the witness from duty will interfere seriously with the accomplishment of the military mission (Encl 16).

The Assistant Secretary of the Army for Manpower and Reserve Affairs has made significant changes to existing policy, including deregulation and streamlining procedures.

Functional Chief Representatives are granted authority to delegate review of outreach/recruitment plan reviews to the first GO/SES member above the selecting official.

The AMC DCSPER has command responsibility to review affirmative action packages prior to review by functional representatives (Encl 9).

Successorship or Accretion

In a reorganization where two activities, each represented by a separate union, combine into a single unit, there is frequently a dispute as to which union, if any, represents the work force.

The merging union argues that it retains exclusive representation status since the new employer is the successor organization.

The union for the gaining activity claims the bargaining unit of the merging activity accretes into its unit.

Bulletin 401 examines case law including the recent decision of Navy and AFGE, announcing standards and criteria applicable to this recurring issue (Encl 10).

Environmental Law Focus

Environmental Fines & ERA

Occasionally, a military installation will be required to pay a stipulated penalty or fine relating to an environmental clean up activity. In the past, the Military Services were authorized to pay fines arising out of an activity funded by the Defense Environmental Restoration Account (DERA).

As a result of a new statutory provision, the use of environmental restoration ac-

count funds to pay these types of fines must now be specifically authorized by law. See 10 USC Section 2703(e). Based on this language, it appears that use of environmental restoration accounts to pay fines or penalties will require specific authorization from Congress. **Bob Lingo**, DSN 767-8082 or **Stan Citron**, DSN 767-8043 can be contacted for additional information.

Munitions Rule Implementation Update

The Military Services have been working with the states to implement the EPA's Munitions Rule (MR). The first MR partnering meeting between the Military Services and States was held in early May. In addition, the DoD Regional Environmental Coordinators have conducted MR informational briefings for many of the states regulators. Based on these meetings, it appears that many states support the MR, but most states will not be able to complete the administrative rule making process to adopt the MR prior to the effective date of the EPA Munitions Rule (12 Aug 97). The

Military Services will continue to work this issue.

In a related matter, an environmental group (the Military Toxics Project) filed a petition for judicial review of EPA's Munitions Rule in the federal court on 6 May 1997. The MTP is challenging (1) the definition that munitions fired on ranges are not waste and (2) the transportation and storage conditional exemption provisions. At this point, DoD is proceeding with its Munitions Rule implementation Plan (i.e., Partnering Initiative, REC Munitions Rule briefings to states, etc.). For additional information contact **Stan Citron**, DSN 767-8043.

Lead-Based Paint Concerns on BRAC Properties

How should lead-based paint concerns be handled on Army BRAC installations? EPA has variously asserted that lead-based paint which has chipped off of structures is a CERCLA release of a hazardous substance which the Army must immediately remediate as a condition of transferring the land. Background and the EPA Region IX legal opinion may be found in the DENIX Defense Environmental Alerts, <http://denix.cecer.army.mil/denix/DOD/News/Pubs/DEA/29Jan97/03.doc.html>.

The Army disagrees. Releases of lead-based paint from the exterior of buildings due to weathering is not a release of a hazardous substance to which the Army must respond under CERCLA. Nonetheless, if there is a threat posed by the lead-based chips, or if a regulator raises the issue, it should be addressed on a site-by-site basis, under other authorities, in order to minimize risk.

Enclosed (Encl 13) is an update, prepared by **Colleen A. Rathbun** of the U.S. Army Environmental Center which provides guidance as to the present Army position.

Environmental Law Division Bulletins

ELD Bulletin for April and May 97 are provided (Encl 11 and 12) for those who have not yet signed up for or do not have access to the LAAWS Environmental Forum or have not received an electronic version. They, as well as previous ELD Bulletins, are also accessible at the AMC Command Counsel Website. ©

Regulatory Concurrence on CERFA Clean Parcel Determinations

DoD Policy is that a CERCLA 120(h)(4) clean parcel covenant can only be given if regulatory agencies concur with the "uncontaminated" determination, otherwise the CERCLA 120(h)(3) covenant must be used. This is particularly significant for the preparation and review of Findings of Suitability to Transfer. For a full discussion of the revised DoD Environmental Condition of Property Classifications, based on the revised definition of uncontaminated property by deleting reference to storage, and clarification of the DoD policy on regulatory concurrence, see <http://www.dtic.dla.mil/envirodod/brac/unconta.html>. A copy of this material may be obtained by calling **Bob Lingo**, DSN 767-8082. ©

Quadrennial Defense Review (QDR)

Assuming that the overall defense budget remains constant in the future, the QDR report finds that 109,000 military and civilian positions will be required to be eliminated, in order to ensure funding of the procurement program and ensure technological superiority.

The report recommends reducing infrastructure personnel and costs by:

- outsourcing selected Defense Logistics Agency functions, including cataloging, and increasing competition for disposal and physical distribution;
- re-engineering Defense Financial Accounting Service operations;
- outsourcing selected patient care, medical training, and installation support in the Defense Health Program;
- consolidating the 16 large information processing centers run by the Defense Information Service Agency into six centers;
- re-engineering business processes at the Defense Investigative Service by streamlining the security investigative process and implementing service fees;
- combining operational commands and outsource monitoring activities at the On-Site Inspection Agency; and
- reducing funding for most other defense agencies and activities by 6 percent.

The report proposes to reorganize the military infrastructure by:

- reducing logistics support costs by integrating organizations and functions now performed at multiple locations and reducing inventories and operating costs;
- conducting public-private competitions to non-core depot maintenance work where other outsourcing criteria are met;
- reducing layers of oversight at headquarters and operational commands, eliminating obsolete positions, and consolidating some support infrastructure outside the United States; and
- competing, outsourcing, or privatizing military infrastructure functions that are closely related to commercial enterprises, such as logistics and installation support functions. ©

Ethics Focus

Non-Federal Entities

CECOM's Ethics Team has prepared a treatise on the important subject, addressing treatment of personal and official relationships, with specific can do's and don'ts. The article provided is an extract from a writing by DA Standards of Conduct Office counsel **Mike Wentink**. The treatment by the Joint Ethics Regulation of conflicts of interest, endorsement, cosponsorship and participation are all covered by this very important paper (Encl 14).

Restrictions on Unofficial Teaching, Speaking, and Writing Activities

The Office of Government Ethics has issued guidance, in conjunction with the Justice Department, on partial nonenforcement of 5 CFR part 2635 (2635.807a), resulting from the case of Sanjour v. US, 56 F.3d 85 (D.C. Cir. 1995).

In short, the policy addresses the prohibition on acceptance of travel expenses for unofficial teaching, speaking and writing that is consid-

ered "related to duties" under section 2635.807 (a)(2)(i)(E)(2).

Pending the district court's issuance of a final order on remand in Sanjour and until further notice, OGE asks you to advise employees that this prohibition will not be enforced against executive branch employees other than "covered noncareer employees", as defined in 5 CFR 2636.303(a)(Encl 15).

Looking for a New Job? Watch Out!

Restrictions and Disqualifications Lurk Everywhere

by the CECOM Office of Counsel

When Job Hunting:

A. If seeking employment with a company, you are disqualified by law and regulation from participating in any official matter that affects the company (even if someone else makes the final decision). Written notice of this disqualification is often required.

B. "Seeking employment" includes sending a resume or not rejecting outright an unsolicited inquiry. If you tell a company representative who contacts you that you

have to wait until next month to discuss the possibilities, you are "seeking employment" now. Sending blanket resumes to industry or asking for a job application would not be "seeking employment." Also, if you send a resume to a company and do not hear anything for two months, you are no longer "seeking employment."

C. Under the new procurement integrity law (effective 1 January 1997), if you are participating personally and substantially in a procurement

and are contacted by a bidder or offeror before award, you must give written notice to your supervisor and Ethics Counselor.

D. Letters of recommendation on official letterhead may be obtained from other government employees who have dealt with you in the course of your government job and who have personal knowledge of your ability or character.

E. Travel expenses for job interviews. You may accept

continued on next page.....

Ethics Focus

...Employment Restrictions Continued

such expenses from potential employers, including a DoD contractor, in connection with job interviews. To avoid the appearance of a conflict of interest, the cost of the accommodations should be customary in such situations. For those required to file a financial disclosure report (SF 278 or SF 450), travel expenses totaling \$250 or more must be included on these reports.

Terminal leave. Remember you are still on active duty, and you cannot represent any non-Federal entity before the Federal Government while on terminal leave.

In CECOM those required to file a financial disclosure report must also have written permission of their agency designee to work during terminal leave. Your agency designee is the first supervisor in your chain who is a commissioned military officer or a civilian GS12 or above.

Post-Government Employment Restrictions.

A. Switching sides. If you participated personally and substantially in a particular matter, you may never represent someone else back to the Federal Government on the same particular matter.

B. Switching sides. If a particular matter(s) was under your official responsibility

during your last year of service, you may not represent someone else back to the Federal Government for two years on the same particular matter(s).

C. Former general officers and senior employees (SES Level V and up) are prohibited from representing someone else back to their agency for one year concerning any matter, even if they were never involved in it.

D. Under the new procurement integrity law (effective 1 January 1997), PMs, Deputy PMs, contracting officers, and others involved with \$10+ million contracts may not accept compensation from the contractor for a period of one year after serving in such capacity for the Government; others include members of the source selection evaluation board, the chief of the financial or technical evaluation team, and the source selection authority for \$10+ million contracts. Also restricted are those who make the decision to award a task order or delivery order of \$10+ million.

E. The new provision cited immediately above does not prohibit working for a division or affiliate of the contractor who does not produce the same product or services.

Miscellaneous Military Provisions.

A. Use of Title. Retirees may use military rank in private commercial or political activities, but retired status must be clearly indicated, there must be no appearance of DoD endorsement, and the use must not discredit DoD.

Wearing the Uniform. Retirees may wear their uniform for funerals, weddings, military events (such as parades or balls), and national or state holidays.

They may wear medals on civilian clothing on patriotic, social, or ceremonial occasions (AR 670-1, para. 29-4).

Ethics Advice and Counsel.

Before sending a resume or pursuing an employment contact, you may seek the advice of your organization's Ethics Counselor. Contact the CECOM Legal Office, SJA Division, (908) 532-4444. ©

The New HQ AMC Ethics Team

With the arrival of **Mike Wentink** to the General Law Division as head of the Ethics Team, we extend our thanks to **Alex Bailey** for the fine work he accomplished during the extended time he was Acting Chief. ©

Faces In The Firm

Congrats!

ARL

Freda Krosnick, Chief, Intellectual Property Law Branch, ARL was this year's recipient of the Della Whittaker Memorial Award. This award is presented annually by the Adelphi Chapter of Federally Employed Women to honor the women who are outstanding role models for the career committed women. Freda was chosen as this year's winner, recognizing her outstanding qualities and dedicated performance in the past and potential for the future.

TACOM-ARDEC

On 10 March 1997, **Mr. Robert J. Parise** accepted a Certificate of Appreciation on behalf of TACOM-ARDEC from the Secretary of the Army, Mr. Togo D. West, Jr., for acquisition streamlining initiatives related to the CRUSADER program.

TACOM

Messrs., **Robert Maskery** and **Ronald Majka** of the TACOM-Wrn Business Law Division were awarded the Achievement Medal for Civilian Service in Jun 97. ©

Arrivals and Departures

Arrivals

HQAMC

The General Law Division welcomes **Mike Wentink** who will be Ethics Team Leader, after serving several years with the DA Standards of Conduct Office.

Major Cynthia Mabry reported to the Business Law Division in early June.

CECOM

MAJ Marvin Gibbs is the new Deputy SJA, arriving from the Contract Appeals Division.

MICOM

1lt Erika A. Cain joined the Office of Staff Judge Advocate in April after completing the basic course at The Judge Advocate General's School.

Departures

ATCOM

Suzanne Sammons, transferred to Huntsville, Alabama.

CPT Paul Salussolia, PCSd to Panama.

MICOM

CPT David H. Estes departed from the Office of SJA and active duty on 6 May 1997. He is working as a prosecutor in the Alabama Attorney General's office in Montgomery, Alabama.

CPT David J. Goetz will be leaving the Office of SJA in June for his next assignment which will be in Vilsek, Germany.

MAJ Charles L. Green, Deputy SJA will be leaving in July to attend the LLM program in environmental law at Lewis & Clark in Portland, Oregon.

TACOM

Paul Robinson of the TACOM-Wrn Business Law Division has resigned from Government Service on 23 May 97 to take a contract position overseas sponsored by the ABA.

Allen Kalt of the TACOM-Wrn Business Law Division retired from Government Service on 3 Jun 97. Upon his retirement he was awarded the Achievement Medal for Civilian Service. Good luck and best wishes to you.

CECOM

The current Deputy SJA, **Major Margaret Talbot-Bedard**, will be departing CECOM and Fort Monmouth o/a 3 Jul 97 to attend the Command and General Staff College at Fort Leavenworth.

CPT Alvin Jeff Ifrah, the Chief of Military Law, will be departing CECOM o/a May 97 to be assigned to the SJA Office at Fort Stewart. ©

Faces In The Firm

Promotions

IOC

Mr. **David C. DeFrieze** of IOC has been promoted to a GS-14 Attorney Advisor at the U.S. Army Industrial Operations Command. With the promotion, Dave has returned to the Acquisition Law Division. ©

Intern Program

The IOC Office of Counsel will be hosting an Intern through the HACU (Hispanic Association of Colleges and Universities) Intern Program. Mr. Jedrick Burgos arrives at the IOC on Wednesday, 4 June. Mr. Burgos, a Chemical Engineer attending Law

School in Puerto Rico, will be focusing on Intellectual Property Law and Environmental Law. Mr. Burgos will be at IOC until early August. We look forward to participating in the Intern Program and hope it's a beneficial learning experience for Mr. Burgos. ©

In Memory...

Ms. Jean McCarthy, who served as the paralegal in the U.S. Army Materials Technology Laboratory and U.S. Army Research Laboratory - Watertown, Massachusetts, passed away May 28 in Nashville, Tennessee, where she underwent a second liver and kidney transplant within one week. For the past two years, Ms. McCarthy had waited for the double transplant and following a first attempt approximately one week ago, it was necessary to again replace her liver and kidney.

Ms. McCarthy began working in Watertown while still in high school. Following college graduation (summa cum laude), she continued to work at Watertown for a total of 18 years when she was medically retired two years ago when it became necessary to seek transplant operations. Prior to her retirement, she completed the Bentley College paralegal program. During her time at Watertown, she received

many honors and awards including the Commander's Award for Civilian Service, Secretary of the Year, and Professional Technician of the Year.

In lieu of flowers, donations may be made to the William Rizzo Community Foundation, P.O. Box 762, Natick, MA 01760, phone (508) 651-2418. The Rizzo Foundation provided significant support to Ms. McCarthy during her wait at Nashville. ©

Surprise!

Mary Grace Patterson of surprised her parents, **Sharon** (MICOM Branch A, Acquisition Law Division) and Guy, on 1 April 1997 by arriving in this world two months early. She weighed in at 4 pounds, 5 1/2 ounces and is doing fine. ©

Cards & Letters:

The AMC Personnel Notes section of the Newsletter is an important component supporting efforts to see each other as individuals rather than "just" employees. We hope you take the time to report developments in the lives of the members of the firm. One suggestion: in reporting retirements please provide specifics--length of service, accomplishments, and retirement plans. ©

Automation

Supplement

by John Klecha

Return of the Automation Supplement

After a hiatus of several months to oversee the conversion of our TACOM Legal Office automation system to Windows95 and MS-Office suite, the Automation Supplement is back. We hope to again bring you useful information concerning all aspects of legal office automation.

Initial Testing of "CoolTalk" a success - FREE phone calls!

As one of the items on the AMC Command wide Legal Office Automation Committee's plate, CPT Joe Edgell, AMC Legal Office, initiated a test with yours truly to evaluate the effectiveness of a product called "CoolTalk" which allows for free interactive voice communication between any number of users at their PC's.

The set up requires that you have a sound card, preferably capable of full duplex communication, and a PC microphone. Joe and I were able to communicate quite well despite the fact that I couldn't get my end to operate on full duplex (meaning both people can speak and hear at the same time). Once we realized that we had to speak and then wait for a response, we got it going pretty well. Still to be evaluated is a Microsoft product called NetMeeting 2.0.

Will report more on this in the future but initial indications seem to point to the very real possibility of free long distance phone capability for AMCer's with the right PC equipment.

To satisfy an urgent requirement to improve communications between TACOM's three geographically separated offices (Warren, Picatinny and Rock Island) Ms. Verlyn Richards, TACOM Chief Counsel, asked that we investigate the application of the latest technology in solving this problem. What we came up with is a restricted access (login ID and password needed) TACOM legal office Intranet homepage that allows for the sharing of information in a matter of minutes between the three legal offices. (See Attachment 2 for a copy of the top menu.)

As can be seen, it is already being used to share litigation status information on Appeals, Protests and Claims (although Claims and Appeals are still being worked on).

In addition to the Web Site Directory mentioned above, the Intranet homepage also has an extensive e-mail directory, a listing of TACOM's Command Legal Program (CLP) initiatives, memoranda of note from our professional staff, environmental bulletins, procurement fraud updates, electronic briefings, and copies of the Command Counsel's Newsletters.

Under development and soon to be added will be interactive screen forms so that all users within

TACOM can trade information in real time as well as sending reports up to AMC Legal using the web and Lotus cc:Mail.

In a parallel effort, the TACOM DOIM is also setting up a separate, command-wide corporate IntraNet for all employees of TACOM. As part of this effort, the DOIM has decided to eliminate Lotus cc:Mail Bulletin Boards in favor of Web based Bulletin Boards for each TACOM Business Center. Users will simply access their browsers and click on a few hot spots to get to the Bulletin Boards. This office intends to aggressively use the TACOM Legal Office Bulletin Board as an outreach tool to all the clients served by the office in accomplishing mission. Because the site is HTML based, it will allow for the inclusion of graphics as well as text based material in our efforts to improve service to and communication with our customers.

AMC Legal Office Web Sites

Since the last supplement was written, AMC legal offices have begun establishing a web presence. Legal Offices now on the web are:

AMC Legal Office: http://amc.citi.net/amc/command_counsel/

TACOM Legal Office: <http://www.tacom.army.mil/Legal/index.htm>

STRICOM Legal Office:
http://www.stricom.army.mil/stricom/command_group/counsel/

Crawl over and check them out. As you will see, you can even download the Command Counsel's Newsletter from the AMC site. Think of the trees we're saving! Seriously, a lot of good information is available with much more to come as we all move out of the initial development stage on these sites.

LegalLinks available

For those with Web access, I've created a handy Web Site Directory called "LegalLinks" that can be loaded on your own machine or on your local server and pointed to with your browser. It's free for the asking and you can update it to suit your own needs. (For a look at what it has to offer, see attachment 1 for a peek at the top menu page of the package.) Just email me and I will send you the files.

DoD Acquisition Deskbook

If you want to get the very latest from the DoD Acquisition Deskbook (DAD) and don't want to install it locally or fool with the CD-ROM, you can now access the DAD on line. All this requires is that you install the DAD viewer on your system. It is just under 2 Megabytes and is available free from the DAD Web Site at: <http://deskbook.osd.mil/>

Set it up in minutes and you're ready to go!

Coming in future issues...

✌ LAAWS BBS software

✌ Updated E-Mail Directories

✌ Finally, access to AR's - the how to's and where's

✌ The restructured automation committees

✌ More Web Stuff